

REMARKS

Status of the Claims

Upon entry of the instant amendment, claims 1-14 remain pending in the above-identified application, with claims 8-14 standing ready for further action on the merits, and remaining claims 1-7 being withdrawn from consideration based on an earlier restriction requirement of the Examiner.

In this response, claim 8 has been amended to recite “an average pore size of from ~~0.8 to 20 nm~~ 0.8 to 5 nm” (emphasis added). The basis for supporting the amendment to the upper limitation can be found at paragraphs [0118], [0131], [0139], [0194], [0237] and [0260] of the specification. In view of the amendment in connection with the average pore size of the claimed porous silica, the claimed invention is further defined over the cited reference, as explained below.

The present amendments to the claims do not introduce new matter into the application as originally filed. As such entry of the instant amendment and favorable action on the merits is earnestly solicited.

Claim Rejections Under 35 U.S.C. §§ 102 and 103

In the Office Action of December 22, 2010, claims 8-11 and 13 are rejected under 35 U.S.C. § 102(b) as being anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as obvious over JP ‘086 (JP 2001-179086). Claim 14 is rejected under 35 U.S.C. § 103(a) as obvious over JP ‘086.

Applicants filed a response to the Office Action on March 22, 2011, where the claims are amended and the remarks are provided to submit that the present invention is neither anticipated by nor obvious over JP '086.

In this regard, it is alleged in an Advisory Action of April 6, 2011 that JP '086 discloses the recording sheet and this disclosure can be considered as materials for various uses recited in claim 8 of this application.

However, in view of the amendment to claim 8 regarding the average pore size of the claimed porous silica, the claimed invention is further defined over JP '086. The recording sheet of JP '086 employs meso porous silica having an average pore size of 10-35 nm. Further, JP '086 teaches that in case of using porous silica having an average pore size of less than 10 nm, property of lightfastness is inferior and optical density of ink is low, and thus, such porous silica is not suitable for the recording sheet (see Comparative Example 1 (average pore size: 7 nm) and Table 2). In other words, JP '086 teaches away from employing silica having such a smaller pore size such as less than 10 nm.

On the other hand, in the present invention, as recited in claim 8, an average pore size of the claimed porous silica is 0.8-5 nm, which is smaller than that of meso porous silica of JP '086 (*i.e.*, 10-35 nm). In the present invention, this average pore size is quite suitable for adsorbing moisture in the claimed material as recited in claim 8. JP '086 teaches away from employing porous silica having such a small pore size, as explained above.

Therefore, the present invention is not anticipated by JP '086. Further, there is no rationale and/or reasonable expectation of success based on JP '086, by which one skilled in the art could arrive at the present invention as claimed, since i) JP '086 fails to disclose or suggest

each of the instantly claimed features, and ii) JP '086 teaches away from the claimed invention, as explained above. Thus, it is submitted that the present invention is not obvious over JP '086.

Based on the foregoing considerations, Applicants respectfully request that the Examiner withdraw the rejections.

Conclusion

Based upon the amendments and remarks presented herein, the Examiner is respectfully requested to issue a Notice of Allowance clearly indicating that each of the pending claims is allowed.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Toyohiko Konno, Reg. No. L0053 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Director is hereby authorized in this, concurrent, and future replies to charge any fees required during the pendency of the above-identified application or credit any overpayment to Deposit Account No. 02-2448.

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Respectfully submitted,

By 

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